

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

RESIDENTIAL CAPITAL, LLC, et al.,
Post-Effective Date Debtors

Chapter 11

RESCAP BORROWER CLAIMS TRUST,
Objector

Case No. 12-12020-mg

v.
TIA DANIELLE SMITH,
Creditor-Beneficiary

PRELIMINARY STATEMENT OF ISSUES ON APPEAL

NOW COMES Tia Danielle Smith (Ms. Smith), by her attorney, Wendy Alison Nora, pursuant to Fed. R. Bankr. P. 8009, makes her Preliminary Statement of Issues on Appeal, and shows the Court that the appeal involves the following issues:

1. Whether POLSINELLI, P.C. (POLSINELLI), by Attorney Daniel J. Flanigan, was disqualified by conflict of interest from representing the RESCAP Borrower Claims Trust in filing the Motion of RESCAP Borrower Claims Trust for Order Authorizing Interim Distribution and Establishing Disputed Claims Reserve dated September 22, 2016 on behalf of the RESCAP Borrower Claims Trust, because he represents Borrower Claims Trust Committee members Roweena Drennan and Steven Mitchell, representative class claimants for the Kessler Class and the Mitchell Class, respectively, with allowed claims in the approximate amount of \$314,500,000.00, to the detriment and damage of Ms. Smith, an individual claimant classified as a “borrower,” whose claims are pending on appeal.

2. Whether the Motion by apparently conflicted counsel for the Kessler and Mitchell Class to obtain an Order allowing the distribution of \$48,435,222.87 to holders of Allowed Borrower Claims, pro rata, of which POLSINELLI’s clients would receive an undisclosed amount should have been heard and considered.

3. In the event that Attorney Flanigan of POLSINELLI is found not to be disqualified for conflict of interest, whether the Order providing \$500,000.00 as a claims reserve for individual claimants who are proceeding on appeal was based upon sufficient evidence and is supportable as a matter of law and fact.

Ms. Smith reserves her right to re-state, amend or supplement her issues on appeal.

Dated at Madison, Wisconsin this 23rd day of November, 2016.

/s/ Wendy Alison Nora

Wendy Alison Nora

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the United States Bankruptcy Court for the Southern District of New York
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DECLARATION OF SERVICE

Wendy Alison Nora declares that on November 23, 2016 she filed the foregoing Statement of Issues on Appeal with the United States Bankruptcy Court for the Southern District of New York and thereby served all parties and their counsel who are capable of receiving service by CM/ECF.

/s/ Wendy Alison Nora

Wendy Alison Nora